



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Attorney Docket No. 065691-0145

Applicants: Louis DeLesalle *et al.*

Title: RECOMBINANT PLANT GENOME, COMPRISING SPECIFIC  
CHICORY GENES AND A NUCLEOTIDE SEQUENCE CONFERRING  
MALE STERILITY, AND ITS USE

Application No.: 09/194,598

Filing Date: November 30, 1998

Examiner: David H. Kruse

Art Unit: 1638

**RECEIVED**

FEB 19 2003

TECH CENTER 1600/2900

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**TRANSMITTAL**

Commissioner for Patents  
Box RCE  
Washington, D.C. 20231

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

a. Previously submitted:

- ☐ Please enter and consider the amendment/reply previously filed on \_\_\_\_.
- ☐ Please consider the Affidavit(s)/Declaration(s) previously filed on \_\_\_\_ but not considered.
- ☐ Please consider the arguments in the Appeal Brief or Reply Brief under 37 C.F.R. § 1.116 previously filed on \_\_\_\_.
- ☐ Other \_\_\_\_.

02/13/2003 HGBREH1 00000083 09194598

01 FC:1801 750.00 OP  
02 FC:1255 1970.00 OP

Serial No.: 09/194,598

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b. Enclosed are:

☒ Amendment/Reply.

☐ Affidavit(s)/Declaration(s).

☐ Information Disclosure Statement.

☐ Form PTO-1449 with copies of \_\_\_ listed reference(s).

☐ Other .

Miscellaneous:

☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_ months.

The filing fee is calculated below:

	Claims as Amended		Previously Paid For		Extra Claims Present		Rate		Fee Totals
RCE Fee 1.17(e)							\$750.00		\$750.00
Total Claims:	5	—	20	=	0	x	\$18.00	=	\$0.00
Independents:	2	—	3	=	0	x	\$84.00	=	\$0.00
First presentation of any Multiple Dependent Claims:						+	\$280.00	=	\$0.00
CLAIMS FEE TOTAL:								=	\$750.00

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. § 1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$110.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$410.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$930.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,450.00	\$0.00
<input checked="" type="checkbox"/>	Extension for response filed within the fifth month:	\$1,970.00	\$1,970.00
EXTENSION FEE TOTAL:			\$1,970.00
CLAIMS AND EXTENSION FEE TOTAL:			\$2,720.00
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):		\$0.00
<input type="checkbox"/>	Suspension of action requested under 37 C.F.R. § 1.103(c)		\$0.00
TOTAL FEE:			\$2,720.00

☒ A check in the amount of \$2,720.00 to cover the filing fee is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date

Feb. 12, 2003

By

Stephen B. Maebius

FOLEY & LARDNER

Customer Number: 22428

\*22428\*

22428

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5569

Facsimile: (202) 672-5399

Stephen B. Maebius  
Attorney for Applicant  
Registration No. 35,264



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**AMENDMENT AND REPLY UNDER 37 C.F.R. § 1.111**  
**ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION**

Commissioner for Patents  
Box NON-FEE AMENDMENT  
Washington, D.C. 20231

Sir:

This communication is responsive to the Final Office Action dated January 14, 2002, and the Advisory Action dated October 7, 2002, concerning the above-referenced patent application. This communication is deemed to fulfill the requirements of 37 C.F.R. §1.114(a) and (c), as a submission accompanying a Request for Continued Examination (RCE).

Prior to reconsideration, Applicants request that the Office enter the following amendments.

**IN THE CLAIMS**

In accordance with 37 C.F.R. § 1.121, please substitute claims 12 and 18 with the following rewritten version of the same claims, as amended. The changes are shown explicitly in the attached "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

12. (Fourth Amended) A recombinant chicory plant genome comprising at least one chicory gene and a nucleotide sequence conferring male sterility borne by a